

Born 6-20-51

JUDGE COOK

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned ☐ U.S.
 OTHER MINOR OFFENSE MO ☐ 8510
 OTHER MISDEMEANOR Mis ☐ 1085 4
 FELONY Fel ☒ District Office 5-5-76

vs. AGEE, ERNEST DWAYNE (24)(Bond)
 Rt. 1, Lot 46
 Claremore, Okla.
 (LAST, FIRST, MIDDLE) (no phone)

Case Filed
 Mo. Day
 03 10
 No. of Def's
 * 2

76-CR-32 - 1

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

18:371

Conspiracy to Commit Offense or Defraud USA

1

18:659

Embezzlement in re interstate shipments

2

Ct. 1- \$10,000 and/or 5 yrs.

Ct. 2- \$5,000 and/or 10 yrs.

U.S. MAG.
CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive
 Denied Set ☐ Pers. Recog.
☐ PSA

\$ 3,000 conditions

Date 3-10-76
☐ 10% Deposit
☒ Surety Bond/CSB

☐ Bail Not Made ☐ Collateral
☐ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 3-15-76	High Risk Date Information <input type="checkbox"/> 3-10-76	3-17-76	Trial Set For 4-19-76	Voir Dire <input checked="" type="checkbox"/> 4-19
Summons Served	Indict. Waived <input type="checkbox"/> Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	1st Plea " <input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL Final Plea	Trial Began <input checked="" type="checkbox"/> J 4-20	Disposition of Charges 5-5-76
First Appearance	In Charging District		Trial Ended 4-21	<input checked="" type="checkbox"/> Convicted <input type="checkbox"/> On All Charges <input type="checkbox"/> Acquitted <input type="checkbox"/> On Lesser * Offense(s) <input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP <input type="checkbox"/> On Govern'ts Motion

MAGISTRATE

SEARCH WARRANT	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Issued Return			PRELIMINARY EXAMINATION OR REMOVAL HEARING		<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
Summons Served			DATE SCHEDULED DATE HELD		
Arrest Warrant Issued			WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/>		
COMPLAINT			INTERVENING INDICTMENT <input type="checkbox"/>		
OFFENSE (In Complaint)			Tape Number		

U.S. Attorney or Asst.

ATTORNEYS

Defense: ☐ CJA, ☒ Ret: ☐ Waived, ☐ Self, ☐ None / Other: ☐ PD, ☐ CD

Kenneth P. Snoke, Asst.

Terry-Meltzer
 4815-S.-Harvard
 Tulsa-74105-
 743-8931

Kenn Bradley
 4815 S. Harvard
 Tulsa 74135
 747-3441- 743-8931

* Show last names and suffix numbers of other defendants on same indictment/information:

-1976-

(2) RENFRO

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
3-10		Record vote of the Grand Jury Concurring, filed in Open Court. v	
3-10		Indictment, filed in Open Court. Bond set at \$3,000, Cash or Surety. v	2 3-10-76 M
3-12		Warrant issued. v	
3-15		Deft. appeared before Claudine S. Barnes, Mag., and was advised bail was set at \$3,000 C/S. Deft. released on \$3,000 surety bond. (CSB-Mag)hm	
3-15		Magistrate's papers, filed, including Information sheet, waiver of counsel, appearance bond in the amt. of \$3,000 surety and order specifying methods and conditions of release. (CSB-Mag)hm	
3-15		MO: Case set for arraignment and plea 3-17-76 at 10:00 a.m.; deft. given 10 days to file any and all motions; govt. 5 days thereafter to respond. (HDC-J)hm	
3-16		Warrant for Arrest, ret. & filed: deft. Agee arrested at Tulsa,Ok. 3-15-76. g	2 3-15-76 M 6
3-17		MO: Case called for arraignment and plea. Deft. present and represented; govt. represented. Deft. ac-	

(over)

DATE		76-CR-32 (AGEE) (DOCUMENT NO.)	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY			
					Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
		knowledges receipt of indictment, advised of charge, arraigned and enters plea of NOT GUILTY as to Cts. 1&2. Deft. previously given until 3-25-76 to file motions; govt. 5 days thereafter to respond. Case set for jury trial 4-19-76 at 9:30 a.m. Counsel requests deft. be allowed to travel beyond boundaries of this District because of his employment, & over no obj. by govt., Court grants request, provided he informs his counsel where he can be reached so that he can be advised of any future hearings. (HDC-J)hm						
3-17		MO: Case set for pre-trial hearing 4-14-76 at 12:40 p.m. (HDC-J)hm						
4-13		Govt's ex parte motion for production of subpoenaed documents, filed. hm			3	4-13-76	E	
4-14		Order, filed, granting Govt's ex parte motion for production of subpoenaed documents. (HDC-J)ph (2 cert. cps of order and above mentioned motion sent to Marshal) cps mld to Ken Snoke			3	4-14-76	E	2
4-14		Pre-trial hearing held. Counsel present. Mr. Meltzer makes oral applic. to withdraw as counsel for defts., and Court grants applic. Mr. Ken Bradley to represent both defts. Case heretofore set for J/T 4-19-76. (EST-1 day) (HDC-J)hm						
4-19		Case called for jury trial as to both defts. Deft. Agee present and represented; govt. represented. Jury selected and admonished. Case continued to 4-20-76 at 1:30, subject to change. (HDC-J)hm						
4-21		Return on subpoena, filed. Served Jerry Anderson 4-20-76. hm						
4-20		Govt's proposed jury instructions, filed in open court. hm						
4-20		Case tried to a jury as to both defts. Defts. present and represented; govt. represented. Parties announce ready. Jury previously empaneled sworn. Rule invoked. Pltf. makes opening statement. Deft. defers same. Pltf. presents case in chief w/test. of witnesses. Pltf's & deft's exhibits admitted. Pltf. rests. Deft. makes opening statement, presents case in chief w/test. of witnesses and rests. Pltf. presents rebuttal evid. w/test. of witnesses and rests. Parties rest. Closing arguments made. Instructions given jury. Bailiff sworn. Jury retires to deliberate at 12:42 p.m. on 4-21-76. Alternate juror discharged. Jury returns w/verdict at 3:23 p.m., finding both defts. GUILTY as charged in Cts. 1&2. Verdicts ordered received, read and filed in open court. Jury discharged. Sentence as to both defts. set 5-5-76 at 11:00 a.m. and defts. allowed to stand on present bonds. (HDC-J)hm						

FINE AND RESTITUTION PAYMENTS					
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244).B. NARA Examini-
nation (28
U.S.C. 2902).C. State or Federal
trials on other
charges.D. Interlocutory
Appeals.E. Hearings on
pretrial motions.F. Transfers from
other districts
(per F.R.C.P.
Rules 20, 21
& 40).G. Defendant Motion
is actually
under advise-
ment. Period of
up to 30 days
is excludable
per
3161(h) (1) (G).H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Deporta-
tion,
Extradition.I. Prosecution de-
ferred by
mutual agree-
ment.M. Unavailability
of defendant
or essential
witness.N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.O. Period of
NARA Commit-
ment or
Treatment.P. Superseding
indictment
and/or new
charges.R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.T. Continuances
Granted per
3161(h) (8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants'
interests).U. Time between
guilty plea and
plea with-
drawal.W. Grand Jury in-
dictment ex-
tended per
3161 (b).

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
4-21-76	(Document No.) Instructions to the jury, filed in open court. hm				
4-21	Verdict, filed, in open court. Agee GUILTY as charged in Ct. 1. hm				
4-21	Verdict, filed, in open court. Agee GUILTY as charged in Ct. 2. hm				
4-21	Trial exhibits, filed. hm				
4-23	Return on Subpoenae to Testify, fld. Served John Morton, Luther Leon Wolfe, John Braun, John Rose, and Michael Agee. v				
4-23	Return on Subpoena to Produce Document or Object, fld. Served John R. Parsons. v				
4-23	Return on Court's order directing Southwestern Bell to produce certain documents, filed. Executed by serving Charles Fritch and John Parsons. v				
4-23	Return on Subpoenae to Produce Document or Object, fld. Served Charles Fritch and Charles Hayes. v				
5-4	Return on sub. to testify (Lloyd), filed. Retd. unexecuted. MO: Case called for sentence. Deft. present & repre- rm				
5-5	sented. Deft. & counsel asked if they care to say anything before sentence is pronounced.				
	Judgment & Sentence - ERNEST DWAYNE AGEE (24)				
	Ct. 1- Atty. Gen. - Two (2) Yrs, under provisions of T. 18, USC, Sec. 4208(a)(2).				
	Ct. 2- Atty. Gen. - Two (2) Yrs., under provisions of T. 18, USC, Sec. 4208(a)(2), to run concurrently with sentence imposed in Ct. 1.				
	Deft. advised of right to appeal, gives oral notice of appeal, & requests Clerk to file notice of appeal this date. Appeal bond set in the amt. of \$5,000 cash or surety. Deft. remanded to cust. of U.S. Marshal. (HDC-J)hm				
5-5	Judgment and Commitment, filed and entered. (HDC-J)hm				
5-5	Two c/c of J&C delivered to U.S. Marshal. hm				
5-5	Clerk's notice of appeal for deft., filed. hm				
5-5	Appearance bond on appeal in the amt. of \$5,000 surety, filed. hm				
5-5	Order specifying methods and conditions of release, filed. hm				
5-5	Notice of appeal by def. from J&C of 5/5/76, filed. (JCS-Clk for def.) copies to counsel and USCA - 42				
5-14	Designation of Record on appeal, filed. rm				
5-14	Motion of def. Agee to modify restrictions on bond, filed. rm				
5-21	Return on subpoena, filed. Served Wm. Gary Fortenberry by serving Mrs. Fortenberry on 3-22-76 in Franklinton, La. (Fees: \$20.52)hm				
5-21	MO: Ordered that deft. may travel outside the NDO for the purposes of his employment. (HDC-J)hm				

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
6-3-76	Transcript of all proceedings had in case, filed. (Tom Bloxom-CR)rm				
6-7	Appeal record (2 vols.) sent to USCA. g				
10-11-77	Mandate and opinion of 10th Circuit, filed and spread of record, affirming court's judgment of 5/5/76.rm				
10-11	Appeal record (2 vols) received from USCA.rm				
10-20	Order of 10th Circuit, filed and spread of record, recalling mandate of 10/11/77; and staying issuance of same pending cert. rm - Mandate returned to 10th Circuit per their request				
10-20	Letter from 10th Circuit, that petition for writ of cert. was filed in Supreme Court on 10/12/77 and assigned No. 77-549. rm				
11-21	Letter from 10th Circuit, that pet. for cert. was denied by Supreme Court on 11/14/77. rm				
11-21	Reissued copy of Mandate and Opinion of 10th Circuit, previously filed in this court on 10/11/77, affirming judg. received from 10th Circuit. rm - deft. advised to surrender by 12/1/77.				
12-12	J&C, ret. & filed: deft. Agee delivered to FCI, El Reno, Ok. 12-9-77. g				
12-14	Motion of pltf. to withdraw exhibits, filed. ph (O to J)				
12-14	Order, filed, that pltf's exhibits 1A and 2 may be removed from evidence and returned to the rightful owner, and the xerox copies of said two exhibits will be substituted for originals. (HDC-J)ph cps mld				
<u>1978</u> 1-26	Order, filed, overruling motion for reduction of sentence (in letter form). (HDC-J)hm (copies mailed)				
4-5	Deft. Agee;s mo/reduction or modification of sentence under R. 35, FRCP, filed. hm				
4-5	Order, filed, that deft's mo/reduction or mod. of sentence under R. 35 is overruled. (HDC-J)ph cps mld				
4-10	Order nunc pro tunc, filed, that due to clerical error, the order of 4/5/78 indicates that deft. mo. was filed on 4/5/77 when in fact was filed on 4/5/78.(HDC-J)rm copies to deft. & USA				
<u>1983</u> 3-24	EXHIBITS returned to counsel. hm				

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned U.S.
 OTHER MINOR OFFENSE MO ☐ 8510
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence
 FELONY Fel ☒ 1085 Office 5-5-76

vs. RENFRO, BILLY MARTIN (40) (Bond)
 Rt. 5
 Claremore, Okla.
 (LAST, FIRST, MIDDLE) 341-3087

Case Filed
Mo. Day

03 10

76-CR-32 - 2

No. of Def's

* 2

Yr. Docket No. Def.

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

18:371

Conspiracy to Commit Offense or Defraud USA 1
 (\$10,000 and/or 5 yrs.)

18:659

Embezzlement in re interstate shipments 2
 (\$5,000 and/or 10 yrs.)U.S. MAG.
CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive
 Denied Set ☐ Pers. Recog.

\$ 3,000 ☐ PSA
 conditions

Date ☐ 10% Deposit
 3-10-76 ☒ Surety Bond/CSF

☐ Bail Not Made ☐ Collateral
☐ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or

INDICTMENT ☒

ARRAIGNMENT

TRIAL

SENTENCE

U.S. Custody Began

High Risk Date

Information ☐

3-17-76

Trial Set For

Voir Dire ☒

Disposition of Charges

5-5-76

3-15-76

3-10-76

4-19-76

4-19

4-20

Summons Served

Indict. Waived ☐

1st Plea

☒ NG ☐ G ☐ NOLTrial Began ☒ J☒ Convicted☒ On All Charges

First Appearance

In Charging District

Superseding
☐ Indict/Info ☐

Final Plea

☐ NG ☐ G ☐ NOL

Trial Ended

☐ Acquired☐ On Lesser *
Offense(s)

☐ Dismissed: ☐ WOP: ☐ WP
☐ On Governm'ts Motion

MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Summons	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING		<input type="checkbox"/> DISMISSED
Arrest Warrant Issued	Served			<input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
COMPLAINT				<input type="checkbox"/> INTERVENING INDICTMENT		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
OFFENSE (In Complaint)				Tape Number		

U.S. Attorney or Asst.

ATTORNEYS

Defense: ☐ CJA ☒ Ret: ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Kenneth P. Snoke, Asst.

~~Terry Meltzer~~ Kenn Bradley
~~4815 S. Harvard~~ 4815 S. Harvard
~~Tulsa 74105~~ Tulsa 74135
~~743-8931~~ 747-3441

* Show last names and suffix numbers of other defendants on same indictment/information:

-1976-

(1) AGEE

DATE

(DOCUMENT NO.)

PROCEEDINGS

EXCLUDABLE DELAY

(a) (b) (c) (d)

3-10 Record vote of the Grand Jury Concurring, filed in Open Court. v

3-10 Indictment, filed in Open Court. Bond set at \$3,000.00, Cash or 2 3-10-76 M
 Surety. v

3-12 Warrant issued. v

3-15 Deft. appeared before Claudine S. Barnes, Mag., and was advised bail was set at \$3,000 C/S. Deft. released on \$3,000 surety bond. (CSB-Mag)hm

3-15 Magistrate's papers, filed, including Information sheet, waiver of counsel, appearance bond in the amt. of \$3,000 surety and order specifying methods and conditions of release. hm

3-15 MO: Case set for arraignment and plea 3-17-76 at 10:00 a.m.; deft. given 10 days to file any and all motions; govt. 5 days thereafter to respond. (HDC-J)hm

3-16 Warrant for Arrest, ret. & filed: deft. Renfro arrested 3-15-76. g

3-17 Case called for arraignment and plea. Deft. present and (over)

- A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
- B. NARA Examination (28 U.S.C. 2902).
- C. State or Federal trials on other charges.
- D. Interlocutory Appeals.
- E. Hearings on pretrial motions.
- F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
- G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
- H. Miscellaneous proceedings: Probation or Parole revocation, Deportation, Extradition.
- I. Prosecution deferred by mutual agreement.
- M. Unavailability of defendant or essential witness.
- N. Period of mental or physical incompetence of defendant to stand trial.
- O. Period of NARA Commitment or Treatment.
- P. Superseding indictment and/or new charges.
- R. Defendant awaiting trial of Co-defendant when no severance has been granted.
- T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendants interests).
- U. Time between guilty plea and plea withdrawal.
- W. Grand Jury indictment extended per 3161 (b).

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
4-21-76	(Document No.) Instructions to the jury, filed in open court. hm				
4-21	Verdict, filed in open court finding deft. RENFRO GUILTY as charged in Ct. 1. hm				
4-21	Verdict, filed in open court, finding deft. Renfro GUILTY as charged in Ct. 2. hm				
4-21	Trial exhibits, filed. hm				
4-23	Return on Subpoenae to Testify, fld. Served John Morton, Luther Leon Wolfe, John Braun, John Rose and Michael Agee. v				
4-23	Return on Subpoena to Produce Document or Object, fld. Served John R. Parsons. v				
4-23	Return on Court's order directing Southwestern Bell to produce certain documents, fld. Executed by serving Charles Fritch and John Parsons. v				
4-23	Return on Subpoenae to Produce Document or Object, fld. Served Charles Fritch and Charles Hayes. v				
5-4	Ret. on sub. to testify, filed. Retd. unexecuted on Lloyd. rm				
5-5	MO: Case called for sentence. Deft. present & represented. Deft. & counsel asked if they care to say anything before sentence is pronounced. Judgment & Sentence - BILLY MARTIN RENFRO (40) Ct. 1- Atty. Gen. - Two (2) Yrs, under provisions of T. 18, USC, Sec. 4208(a)(2). Ct. 2- Atty. Gen. - Two (2) Yrs., under provisions of T. 18, USC, Sec. 4208(a)(2), to run concurrently w/ sent. imposed in Ct. 1. Deft. advised of right to appeal, gives oral notice of appeal, & requests Clerk to file notice of appeal this date. Appeal bond set in the amt. of \$5,000 cash or surety. Deft. remanded to cust. of U.S. Marshal. (HDC-J) hm				
5-5	Judgment & Commitment, filed and entered. (HDC-J) hm				
5-5	Two c/c of J&C delivered to U.S. Marshal. hm				
5-5	Clerk's notice of appeal for deft., filed. hm				
5-5	Appearance bond on appeal in the amt. of \$5,000 surety, filed. hm				
5-5	Order specifying methods and conditions of release, filed. hm				
5-5	Notice of appeal by def. from J&C of 5/5/76, filed. (JCS-Clk. for def) rm (copies to counsel and USCA) 44s				
5-14	Designation of Record on appeal, filed. rm				
5-14	Motion of def. Renfro to modify restrictions on bond, filed. rm				
5-21	MO: Ordered that deft. may travel outside the NDO for the purposes of his employment. (HDC-J) hm				
6-3	Transcript of all proceedings had in case, filed. (Tom Bloxom-CR) rm				
6-7	Appeal record (2 vols.) sent to USCA. g				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

76-CR-32 X (Renfro)

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
10-11-77	Mandate and opinion of 10th Circuit, filed and spread of record, affirming court's judgment of 5/5/76. rm				
10-11-77	Appeal record (2 vols.) received from USCA.rm				
10-20	Order of 10th Circuit, filed and spread of record, recalling mandate of 10/11/77; and staying issuance of same pending cert. rm - Mandate returned to 10th Circuit per their request				
10-20	Letter from 10th Circuit, that petition for cert. was filed in Supreme Ct. on 10/12/77 and assigned No. 77-550. rm				
11-21-77	Letter from 10th Circuit, that pet. for cert. was denied by Supreme Court on 11/14/77. rm				
11-21-77	Reissued copy of Mandate and Opinion of 10th Circuit, previously filed in this court on 10/11/77, affirming judg. received from 10th Circuit. rm - deft. advised to surrender by 12/1/77.				
12-14	Motion of pltf. to withdraw exhibits, filed. ph (O to J)				
12-14	Order, filed, that pltf's exhibits 1A and 2 may be removed from evidence and returned to the rightful owner, and the xerox copies of said two exhibits will be substituted for originals. (HDC-J)ph cps mld				
12-20-77	J&C, ret. & filed: deft. Renfro delivered to Leavenworth Camp, Leavenworth, Ks. on 12-16-77. g				
2-10-78	Deft's motion to modify sentence, filed. ph				
2-10	Brief in support of motion to reduce sentence, filed. ph (file to J)				
3-22	Order, filed, that deft's motion for a reduction of sentence and his request for a hearing on said motion are overruled. (HDC-J)ph cps mld				